LIBRARY
SUPREME COURT, U. S.

JUN 10 1968
JOHN F. DAVIS, CLERK

179

No. [redacted]

In the
Supreme Court of the United States
OCTOBER TERM, 1968

William

~~WALTER~~ C. LOPTEIN
and LOLA LOPTEIN,

Appellants,

vs.

CITY OF SYCAMORE,

Appellee.

On Appeal from the Supreme Court of Illinois.

JURISDICTIONAL STATEMENT

WALTER C. LOPTEIN, *pro se*
494 E. State St.
Sycamore, Illinois.
Phone 815-895-3816

The Scheffer Press, Inc.—ANdover 3-6850

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1967

No.

WALTER C. LOPTEIN
and LOLA LOPTEIN,

Appellants,

vs.

CITY OF SYCAMORE,

Appellee.

On Appeal from the Supreme Court of Illinois.

JURISDICTIONAL STATEMENT

This 78 year old layman appellant, William C. Loptein, appearing pro se and representing his wife Lola; under the provisions of the Illinois statute governing that authority; appeals from the dismissal of this action in the Illinois Supreme Court because that court refused to enforce the provisions of the Illinois Constitution, which makes it possible for that court to see that the appellants were heard there, because the lower court and City employees were intentionally violating the 14th amendment to the Constitution of the United States to see that a record was not perfected. (Hereinafter at all places the last item will be referred to as the 14th.)

THERE WAS NO OPINION BELOW.

JURISDICTION.

This action is here to see if this court will put an end to the misuse of the law by counsels, judges, and court officials to impose their will on others (the appellants here) by violating the 14th amendment. Appeal is conferred by 28 U.S.C. 1257 (2).

The final order of the Supreme Court was given on March 13, 1968. Appellants filed their notice of appeal on the 12th day of April, 1968.

This layman has no legal education and has no hesitancy in saying that in his opinion he is the victim of counsel's ineptitude, or unwillingness to incur the animosity of the local political organization, when the counsels knew or should have known that the organization was violating the 14th, and so he has to rely on this court's willingness to follow their own rulings in *Ring* v. *Spence,* 166 Fed. 546, and *United States* v. *Ohio Power Co.,* 353 U.S. 98, to insist that the doctrine laid down in those two cases must be followed by the Supreme Courts of all states.

STATUTES INVOLVED.

The 14th, Articles 2 (sections 19 and 20) and 6 of the Illinois Constitution, in that the Illinois Supreme Court Justices have the authority to stop what happened in this case in attempting to get a record that has not and will not reach this court unless this appeal is allowed.

QUESTIONS PRESENTED ARE:

Can the Justices of the Supreme Court of Illinois aid and abet the violations of the 14th by lower court judges and attaches? Or, must they at all times see that a layman is not imposed upon in any proceeding?

STATEMENT OF THE CASE.

It is appropriate to use the statements of the City of Sycamore which are set up in the record on page 9 (g). They recite; That (now) some 20 years ago, the appellant paid for and secured a permit to build an additional building on a lot (that is 75 feet wide). Several years later the permit was renewed (which has not been cancelled); that the City is willing to let building exist until the demise of the appellants, but because they won't stipulate to that item it must be torn down.

THE QUESTIONS PRESENTED ARE SUBSTANTIAL.

Laymen who work and toil with their hands and lacking formal legal education must rely on members of the Bar Association for advice and when they hire them to represent them in court they have the right to expect them to be competent, and fearless, but that did not happen in this case or the appellants would not be here. But this court is a court of last resort, and there were two courts below this one who could have stopped the misuse of the law as it was done in this action, and this layman is attempting to do—of necessity—what counsels in Illinois can not do. No counsel in DeKalb county wanted to inform the Judge that signed the order, record page 1-7 and tell him that on its face the order is a violation of the 14th in that the judge has stated I am telling you that you can never use ½ of your property for any purpose. Had the Illinois Supreme Court had Justice as a motive they could have followed the two cases mentioned heretofore.

THERE WAS NO LEGAL REASON FOR DENYING AN EXTENSION OF TIME TO FILE A RECORD.

As the affidavit of the City recites (record pp. 7-d) the appellants tried to get a record, and the clerk could not make it but secured outside counsel to make a motion for dismissal and the Supreme Court rule is submission of a motion four days before it is heard, but in this action the motion was granted instanter as near as it can be determined.

THIS COURT CAN REMAND NOW AND INSIST THAT A RECORD BE FILED.

If the newspaper comments by the prosecutor could be accepted as evidence this court could vacate the order of the lower court now, but as this appellant sees it, all that this court can do is to advise the Illinois Supreme Court to insist that a complete record reach that court, and it is so requested. (See page 9 (g)) (Because of the brevity of this statement no index has been made).

Respectfully submitted,

WALTER C. LOPTEIN, *pro se*
494 E. State St.
Sycamore, Illinois
Phone 815-895-3816